

1982 No. 295

SOCIAL SECURITY

The Supplementary Benefit (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 1982

Made 16th September 1982

Coming into operation 18th October 1982

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 3(1B), 5(1), 6(1), 7(1), 19(1) and (2)(*dd*), (*f*) and (*g*) of, and paragraphs 1(2) and 2(1), (3) and (4) of Schedule 1 to, the Supplementary Benefits (Northern Ireland) Order 1977(*a*) and of all other powers enabling it in that behalf, and with the consent of the Department of Finance and Personnel(*b*), so far as relates to matters with regard to which such consent is required, hereby makes the following regulations which correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and which accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980(*c*) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Supplementary Benefit (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 1982 and shall come into operation on 18th October 1982.

(2) In these regulations—

“Claims and Payments Regulations” means the Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1981(*d*);

“Conditions of Entitlement Regulations” means the Supplementary Benefit (Conditions of Entitlement) Regulations (Northern Ireland) 1981(*e*);

“Determination of Questions Regulations” means the Supplementary Benefit (Determination of Questions) Regulations (Northern Ireland) 1980(*f*);

“Requirements Regulations” means the Supplementary Benefit (Requirements) Regulations (Northern Ireland) 1981(*g*);

“Resources Regulations” means the Supplementary Benefit (Resources) Regulations (Northern Ireland) 1981(*h*);

(a) S.I. 1977/2156 (N.I. 27): as amended by Article 7 of, and Part I of Schedule 2 to, the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)) (and set out in Part II of that Schedule) and Article 31 of, and paragraph 14 of Schedule 4 to, the Social Security (Northern Ireland) Order 1982 (S.I. 1982/1084 (N.I. 16)).

(b) Formerly the Department of Finance: see S.I. 1982/338 (N.I. 6), Article 3. See also Article 41(1) of the Supplementary Benefits (Northern Ireland) Order 1977, as amended by the Social Security (Northern Ireland) Order 1980

(c) 1980 c. 30

(d) S.R. 1981 No. 368, to which there are amendments not relevant to these regulations

(e) S.R. 1981 No. 371, to which there are amendments not relevant to these regulations

(f) S.R. 1980 No. 423, to which there are amendments not relevant to these regulations

(g) S.R. 1980 No. 347; the relevant amending regulations are S.R. 1981 No. 282

(h) S.R. 1981 No. 370, to which there are amendments not relevant to these regulations

“Single Payments Regulations” means the Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1981(a);

“Urgent Cases Regulations” means the Supplementary Benefit (Urgent Cases) Regulations (Northern Ireland) 1981(b).

Amendment of the Claims and Payments Regulations

2.—(1) This regulation shall amend the Claims and Payments Regulations.

(2) In regulation 6 (time and manner of payment of pension and allowance) in head (i) of paragraph (1)(a) “register and” shall be omitted.

(3) In regulation 8(b) (information to be given in connection with payment of benefit) “register and” shall be omitted.

Amendment of the Conditions of Entitlement Regulations

3.—(1) This regulation shall amend the Conditions of Entitlement Regulations.

(2) In regulation 3(2) (persons temporarily absent from Northern Ireland whose entitlement is to continue) “register and” shall be omitted.

(3) For regulation 5 (manner of registration) there shall be substituted the following regulation—

“Registration for employment

5.—(1) A claimant shall be required to register for employment pursuant to Article 7 of the Order if—

(a) he is aged less than 18; and

(b) he is required to be available for employment pursuant to that Article.

(2) A claimant to whom paragraph (1) applies shall, except where the Department decides otherwise, be registered for employment by registering with the Department of Economic Development(c).”

(4) In regulation 6 (persons not subject to condition of registration and availability for employment)—

(a) in both the first line and paragraph (a)(ii) “to register and” shall be omitted;

(b) in paragraph (e)(ii) “registered and” shall be omitted;

(c) in paragraph (f)(iii) for “the requirement in Article 7” there shall be substituted “the requirement to be available for employment pursuant to Article 7”;

(d) in paragraph (p) “who is not registered for employment in accordance with regulations having effect for the purposes of the Employment and Training Act (Northern Ireland) 1950 and” shall be omitted;

(e) in paragraphs (p), (r)(ii) and (u) “to register and” shall be omitted.

Amendment of the Determination of Questions Regulations

4.—(1) This regulation shall amend the Determination of Questions Regulations.

(2) In regulation 7(2)(b) (date of commencement, change and termination of entitlement to pensions and allowances) “registration and” shall be omitted.

(3) After regulation 7 there shall be inserted the following regulation—

“Interim payments on account of supplementary benefit

7A.—(1) Where, under arrangements made by the Department with the consent of the Department of Finance and Personnel, payment on account of supplementary benefit has been made otherwise than in accordance with the

(a) S.R. 1981 No. 369, to which there are amendments not relevant to these regulations

(b) S.R. 1981 No. 372, to which there are amendments not relevant to these regulations

(c) Formerly the Department of Manpower Services: see S.I. 1982/846 (N.I. 11), Article 3

Order pending determination (whether in the first instance or on an appeal or reference and whether originally or on review) of a claim for supplementary benefit, that payment shall, subject to paragraph (2), for the purposes of the Order be deemed to be a payment of supplementary benefit duly made.

(2) When a claim for supplementary benefit in connection with which a payment has been made under arrangements referred to in paragraph (1) is determined by a determining authority—

(a) if that authority decides that nothing was properly payable by way of supplementary benefit or that the amount properly so payable was less than the amount of the payment and if it is satisfied that—

(i) a person has, whether fraudulently or otherwise, misrepresented, or failed to disclose, any material fact, and

(ii) the overpayment has been made in consequence of such misrepresentation or failure,

it shall require repayment of the overpayment;

(b) if that authority decides that the amount properly payable by way of supplementary benefit in respect of which the payment was made equals or exceeds the amount of that payment, it shall treat that payment as paid on account of the supplementary benefit properly payable.

(3) An overpayment required to be repaid under the provisions of this regulation shall, without prejudice to any other method of recovery, be recoverable by deduction from any benefit then or thereafter payable to the person by whom it is to be repaid or any persons entitled to receive his benefit on his death.”.

Amendment of the Requirements Regulations

5.—(1) This regulation shall amend the Requirements Regulations.

(2) In regulation 7 (long-term rates for normal requirements)—

(a) in paragraph (2)(aa) “who is not registered for employment in accordance with regulations having effect for the purposes of the Employment and Training Act (Northern Ireland) 1950(d)” shall be omitted;

(b) for the definition of “subject to registration” in paragraph (6)(b) there shall be substituted the following definition—

““subject to the condition of availability” in relation to an allowance means subject to the condition of availability for employment under Article 7(1)(a);”.

and for all other references in regulation 7 to “subject to registration” there shall be substituted references to “subject to the condition of availability”.

(3) In regulation 8(1) (modification of normal requirements in certain cases of actual or notional unemployment benefit disqualification) for “Article 7” there shall be substituted “Article 7(1)(a)” and “registration and” shall be omitted.

Amendment of the Resources Regulations

6. In regulation 11 of the Resources Regulations (calculation of other income) in paragraph (2) there shall be inserted the following sub-paragraph—

“(p) any payment made otherwise than in accordance with the Order under arrangements made by the Department with the consent of the Department of Finance and Personnel, pending the making or, as the case may be, determination of a claim for supplementary benefit, any benefit under the Act, child benefit or war disablement pension, or pending the payment of any sum pursuant to such a determination.”.

Amendment of the Single Payments Regulations

7. In regulation 25 of the Single Payments Regulations (voluntary repatriation expenses) in heads (i) and (ii) of paragraph (1)(b) "register and" shall be omitted.

Amendment of the Urgent Cases Regulations

8. In regulation 3 of the Urgent Cases Regulations (urgent cases) in paragraph (2)(b) "registration and" shall be omitted.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 16th September 1982.

(L.S.)

I. M. S. Jordan (Miss)

Assistant Secretary

The Department of Finance and Personnel hereby consents to regulations 5 and 6 of the foregoing regulations.

Sealed with the Official Seal of the Department of Finance and Personnel for Northern Ireland on 16th September 1982.

(L.S.)

J. M. Dowdall

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend regulations made under the Supplementary Benefits (Northern Ireland) Order 1977, ("the Order of 1977") as amended by the Social Security (Northern Ireland) Order 1980.

The regulations contain a number of amendments consequential upon the substitution of a new Article 7 in the Order of 1977 by Article 31 of the Social Security (Northern Ireland) Order 1982 whereby the requirement that an unemployed person claiming a supplementary allowance must be registered for employment is removed in all but prescribed cases (regulations 2, 3, 4(2), 5, 7 and 8).

Regulation 3(3) substitutes a new regulation 5 in the Supplementary Benefit (Conditions of Entitlement) Regulations (Northern Ireland) 1981 which provides that only persons under the age of 18 who are required to be available for employment shall be required to register for employment.

Regulation 4(3) inserts a new regulation 7A in the Supplementary Benefit (Determination of Questions) Regulations (Northern Ireland) 1980 and is consequential upon the amendment of Article 19 of the Order of 1977 by paragraph 14 of Schedule 4 to the Social Security (Northern Ireland) Order 1982. It provides for the making and recovery of certain extra-statutory payments.

Regulation 6 inserts a new paragraph (p) in regulation 11 of the Supplementary Benefit (Resources) Regulations (Northern Ireland) 1981 so as to provide for certain extra-statutory payments to be taken into account in full as income resources.